

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ALLSTATE INSURANCE COMPANY,  
ALLSTATE PROPERTY & CASUALTY INSURANCE  
COMPANY,  
ALLSTATE FIRE & CASUALTY INSURANCE COMPANY,  
AND ALLSTATE INDEMNITY COMPANY,

Plaintiffs,

v.

JAMES A. SPINA II, D.C.,  
ANDREA GROSSMAN,  
KIMBERLY A. SPINA,  
MAELIEN SPINA,  
CATSKILL MEDICAL CARE, P.C. (d/b/a MIDDLETOWN  
PHYSICAL THERAPY AND PAIN MANAGEMENT),  
TAMMY GARCIA-KLIPFEL, ESQ., as personal representative of  
the Estate of HERBERT M. GARCIA, M.D., deceased,  
PHYSICAL MEDICINE & DIAGNOSTIC TESTING, P.C.,  
CLIFTON D. BURT, M.D.,  
CHARLES H. BAGLEY, M.D.,  
MIDDLETOWN PHYSICAL THERAPY, P.C. (d/b/a PHYSICAL  
THERAPY OF ORANGE COUNTY),  
ELEANORE B. ROBLES, PT (a/k/a ELEANORE B. ROBLES-  
PARAS, PT),  
MID HUDSON ACUPUNCTURE, P.C.,  
RALPH J. STORM, L.AC.,  
OPEN MRI OF MIDDLETOWN, L.L.C.,  
UPSTATE RADIOLOGY, P.C.,  
ACCREDITED MEDICAL SUPPLY INC.,  
EFFECTIVE MARKETING & COMMUNICATIONS, LLC,  
JJMJ REALTY COMPANY, AND  
ROSWELL REALTY LLC,

Defendants.

C.A. No.7:20-cv-01959-KMK

**ORDER GRANTING IN PART ALLSTATE'S MOTION**  
**FOR PRELIMINARY INJUNCTION**

Upon consideration of Plaintiffs, Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Allstate Fire & Casualty Insurance Company, and Allstate

Indemnity Company (collectively, “Allstate” or “Plaintiffs”) Motion for Preliminary Injunction, the Court being duly advised in the premises and good cause having been shown, the Court finds as follows:

1. Plaintiffs have shown that they will suffer irreparable harm absent the Court ordering the requested stay;
2. There are serious questions going to the merits of Plaintiffs’ declaratory judgment claims; and
3. The public interest weighs in favor of granting the requested stay.

Therefore, IT IS HEREBY:

**ORDERED** that all arbitrations pending before the American Arbitration Association between Allstate and Middletown Physical Therapy, P.C. seeking No-Fault insurance benefits are hereby **STAYED** until further order of this Court;

**ORDERED** that all arbitrations pending before the American Arbitration Association between Allstate and Mid Hudson Acupuncture, P.C. seeking No-Fault insurance benefits are hereby **STAYED** until further order of this Court; and

**ORDERED** that the Defendants are hereby **ENJOINED** from commencing any arbitrations before the American Arbitration Association against Allstate related to services or supplies provided by Middletown Physical Therapy, P.C. and/or Mid Hudson Acupuncture, P.C. until further order of this Court.

**SO ORDERED:**



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The Honorable Kenneth M. Karas  
White Plains, New York  
October 5, 2020